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OFFICE OF PETITIONS

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SAN FRANCISCO CA 94111-3834

In re Application :
Schneider, et al. :
Application No. 10/721,047 : DECISION ON APPLICATION
Filed: November 21, 2003 : FOR PATENT TERM ADJUSTMENT
Atty Docket No. 020444-000110US :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT CORRECTION", filed December 29, 2006. Applicants assert that the initial determination of patent term adjustment under 35 U.S.C. 154(b) of two hundred fifty-nine (259) days should be corrected to one hundred ninety-four (194) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **one hundred ninety-four (194) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 3, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date is two hundred fifty-nine (259) days.

The Office initially determined a patent term adjustment of two hundred fifty-nine (259) days based on an adjustment for PTO delay of two hundred fifty-nine (259) days pursuant to 35 U.S.C. 154(b)(1)(a)(i) and 37 C.F.R. § 1.703(a)(1), reduced by zero (0) days of applicant delay.

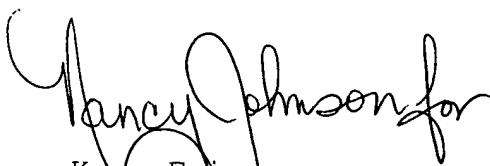
As pointed out by applicants, applicants should have been assessed delay pursuant to 37 C.F.R. § 1.704(b). The Office mailed a non-final Office action on October 7, 2005. Applicants did not file a reply until March 13, 2006. Accordingly, applicant should have been assessed sixty-five (65) days of delay under § 1.704(b).

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **one hundred ninety-four (194) days** (259 days of PTO delay, reduced by 65 days of applicant delay), subject to any terminal disclaimer.

Given the basis for granting this petition, no fee has been charged. The Office thanks applicants for their candor and good faith in bringing this matter to the attention of the Office.

The file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kerry Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure : Copy of Revised PAIR Screen

PALM INTRANET

Day : Friday
Date: 3/2/2007
Time: 18:01:21

PTA Calculations for Application: 10/721047

Application Filing Date:	11/21/2003	PTO Delay (PTO):	259
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	194
PTO Delay Adjustment:	-65		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
54	03/02/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		65	
36	10/03/2006	MAIL NOTICE OF ALLOWANCE			
35	10/03/2006	MAIL EXAMINER'S AMENDMENT			
34	10/01/2006	ISSUE REVISION COMPLETED			
33	10/01/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
32	10/01/2006	CASE DOCKETED TO EXAMINER IN GAU			
31	09/29/2006	EXAMINER'S AMENDMENT COMMUNICATION			
30	09/29/2006	NOTICE OF ALLOWABILITY			
29	10/02/2006	MAIL NOTICE OF WITHDRAWN ACTION			
28	09/29/2006	LETTER WITHDRAWING / VACATING OFFICE ACTION			
27	11/21/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
26	09/19/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
25	05/24/2006	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
24	03/15/2006	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
23	03/20/2006	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
22	03/17/2006	DATE FORWARDED TO EXAMINER			
21.1	03/13/2006	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
21	03/13/2006	RESPONSE AFTER NON-FINAL ACTION			
20	03/13/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
19	10/07/2005	MAIL NON-FINAL REJECTION	259		-1

18	09/19/2005	NON-FINAL REJECTION			
17	07/29/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	07/29/2004	CASE DOCKETED TO EXAMINER IN GAU			
15	07/29/2004	REFERENCE CAPTURE ON IDS			
14	12/23/2003	PRELIMINARY AMENDMENT			
13	11/21/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	11/21/2003	PRELIMINARY AMENDMENT			
11	04/29/2004	APPLICATION RETURN FROM OIPE			
10	04/29/2004	APPLICATION RETURN TO OIPE			
9	04/29/2004	APPLICATION DISPATCHED FROM OIPE			
8	04/29/2004	APPLICATION IS NOW COMPLETE			
7	03/19/2004	ADDITIONAL APPLICATION FILING FEES			
6	03/19/2004	APPLICANT HAS SUBMITTED A NEW SPECIFICATION TO CORRECT CORRECTED PAPERS PROBLEMS			
5	01/21/2004	CORRECTED PAPER			
4	01/09/2004	CLEARED BY OIPE CSR			
3	01/09/2004	CASE CLASSIFIED BY L&R			
2	01/06/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	11/21/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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